

**A SUBSTITUTE ORDINANCE BY  
PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE**

**08-O-0879**

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1., ET SEQ., AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA. LAWS P. 4469, ET SEQ., BY AMENDING ARTICLE IV, SECTIONS 4-106 AND 4-110 SO AS TO CONSOLIDATE THE SOLICITOR'S OFFICE WITH THE DEPARTMENT OF LAW; TO EFFECTUATE A REORGANIZATION OF THE DEPARTMENT OF LAW AND SOLICITOR'S OFFICE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes both the Department of Law and a separate city Solicitor position;

**WHEREAS**, it is common practice throughout the country to house the solicitor function within city attorney function to promote efficiency and economy;

**WHEREAS**, it is now the wish of the City to consolidate the functions of the Solicitor within the Department of Law; and

**WHEREAS**, this ordinance is intended to serve as a plan of reorganization pursuant to section 3-302 of the Charter.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**Section 1:** That Article IV, Section 4-106(c) of the Charter of the City of Atlanta, Georgia be amended to read as follows:

(c) *Functions; duties.* Whenever a vacancy occurs in the positions of judges and public defenders of municipal court, or a judge pro hac vice of municipal court for any cause, the mayor shall provide written notification to the chairperson within 30 days of the act creating the vacancy or any new position. The judicial commission shall certify to the mayor a list of three nominees who are members of the State Bar of Georgia in good standing. Such list shall be submitted by the judicial commission no later than 90 days after receiving the above written notification from the mayor. The nominations and appointments to fill vacancies shall be based solely upon merit, legal experience, ability, and integrity. Any member shall be disqualified from consideration of an applicant who is related by blood or marriage.

Exhibit "A"

**"Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia"**

Notice is hereby given that an ordinance has been introduced to amend Sections 4-47, 4-106 and 4-110 of the Charter of the City of Atlanta, Georgia (1996 Ga. L. (Act No. 1019), p. 4469, et. seq.) as amended, so as to so as to consolidate the solicitor's office with the department of law; to effectuate a reorganization of the department of law and solicitor's office; and for other purposes.

A copy of the proposed amendment is on file in the office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for purposes of examination and inspection by the public.

This \_\_\_\_ day of \_\_\_\_\_, 2008.

Rhonda Dauphin Johnson  
Municipal Clerk  
City of Atlanta

AN ORDINANCE BY

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1., ET SEQ., AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA. LAWS P. 4469, ET SEQ., BY AMENDING ARTICLE IV, SECTIONS 4-47, 4-106 AND 4-110, AS WELL AS ARTICLE IV, CHAPTER 2, SECTIONS 2-135 AND 2-396, AND ARTICLE II, CHAPTER 62, SECTION 62-28 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO CONSOLIDATE THE SOLICITOR'S OFFICE WITH THE DEPARTMENT OF LAW; TO EFFECTUATE A REORGANIZATION OF THE DEPARTMENT OF LAW AND SOLICITOR'S OFFICE; AND FOR OTHER PURPOSES.

**WHEREAS**, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes both the Department of Law and a separate city Solicitor position;

**WHEREAS**, it is common practice throughout the country to house the solicitor function within city attorney function to promote efficiency and economy;

**WHEREAS**, it is now the wish of the City to consolidate the functions of the Solicitor within the Department of Law; and

**WHEREAS**, this ordinance is intended to serve as a plan of reorganization pursuant to section 3-302 of the Charter.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**Section 1:** That Article VI, Chapter 2, Section 2-396 of the Code of the City of Atlanta, Georgia be amended to read as follows:

Sec. 2-396. Authority of department.

The department of law is vested with complete and exclusive authority and jurisdiction in all matters of law relating to the executive branch of the city government and of every department, bureau, office, institution, commission, committee, board and other agency thereof, and relating to the prosecution of actions on behalf of the city. Every department, bureau, office, institution, commission, committee, board and other agency of the city government is prohibited from employing counsel in any manner whatsoever, unless otherwise specifically authorized by law, provided that the council is authorized, in its discretion, to employ directly, by contract and for specific assignments, legal counsel for the

limited purpose of fulfilling its obligation to provide legislative oversight to the operations of the city.

**Section 2:** That Article VI, Chapter 2, Section 2-397 of the Code of the City of Atlanta, Georgia be amended to read as follows:

Sec. 2-397. City attorney's power of appointment and removal of personnel; accountability. The city attorney, as head of the department of law, shall have the power of appointing and removing all or any of the city attorney's assistant or associate city attorneys, the city solicitor and any assistant solicitor, claim attorneys, investigators and clerical assistants. The city attorney shall be accountable to the mayor and council for the faithful performance of duties.

**Section 3:** That a new Article VI, Chapter 2, Section 2-408 of the Code of the City of Atlanta, Georgia be created to read as follows:

Sec. 2-408. Solicitor and assistant solicitors.

(a) Within the department of law there shall be a solicitor who shall be known as the solicitor of the Municipal Court of Atlanta, Georgia, referred to in this section as municipal court. The solicitor shall be accountable to the city attorney.

(b) The duties of the solicitor of the municipal court shall be to:

- (1) Prosecute all cases on behalf of the city that are tried in municipal court;
- (2) Prosecute all commitment hearings that are held in municipal court;
- (3) Perform all appellate work, including work taken either by way of appeal or certiorari, resulting from either cases tried or commitment hearings in municipal court;
- (4) Advise police officers on individual cases, general procedure and legal developments relating to case preparation; and
- (5) Perform such other duties as are or may be required by the city attorney, by law or by ordinance.

(c) The city attorney may employ assistant solicitors as necessary. The duties of the assistant solicitors shall be the same as those of the solicitor of the municipal court, plus any additional judicial duties that the solicitor, with the consent of the city attorney, may prescribe. Assistant solicitors shall be accountable to the city attorney.

(d) Any full-time solicitors and assistant solicitors may not engage in the private practice of law. A part-time assistant solicitor of such courts may engage in the private practice of law but may not practice or appear in any matter as to which he or she has exercised jurisdiction.

**Section 4:** That Article IV, Section 4-47 of the Charter of the City of Atlanta, Georgia be deleted in its entirety, and the affected Charter sections be renumbered accordingly.

**Section 5:** That Article IV, Section 4-110 of the Charter of the City of Atlanta, Georgia be deleted in its entirety, and the affected Charter sections be renumbered accordingly.

**Section 6:** That Article II, Chapter 62, Section 62-28 of the Code of the City of Atlanta, Georgia be deleted in its entirety, and for the affected code sections to be renumbered accordingly.

**Section 7:** That Article IV, Section 4-106(c) of the Charter of the City of Atlanta, Georgia be amended to read as follows:

(c) *Functions; duties.* Whenever a vacancy occurs in the positions of judges and public defenders of municipal courts, or a judge pro hac vice of municipal court for any cause, the mayor shall provide written notification to the chairperson within 30 days of the act creating the vacancy or any new position. The judicial commission shall certify to the mayor a list of three nominees who are members of the State Bar of Georgia in good standing. Such list shall be submitted by the judicial commission no later than 90 days after receiving the above written notification from the mayor. The nominations and appointments to fill vacancies shall be based solely upon merit, legal experience, ability, and integrity. Any member shall be disqualified from consideration of an applicant who is related by blood or marriage.

**Section 8:** That Article II, Section 2-135(a)(1) of the Code of the City of Atlanta, Georgia be amended to read as follows:

Sec. 2-135. Jurisdiction of standing committees.

(a) The standing committees of the council shall have jurisdiction as follows:

(1) *Committee on public safety and legal administration.*

- a. The public safety, generally;
- b. Department of police.
- c. Department of fire.
- d. Department of corrections.
- e. Office of emergency management services.
- f. Licenses issued under the police powers of the city.
- g. All matters pertaining to findings of discrimination under the human relations ordinances of the city.
- h. All matters pertaining to the drafting, implementation and supervision of all penal ordinances of the city.
- i. All matters pertaining to the operation of the courts of the city and, with respect to municipal court, all matters pertaining to the number of judges and their salaries.
- j. The number of assistant public defenders and the salary of the public defender and all assistant public defenders.
- k. The duties of the public defenders and assistant public defenders.
- l. The number of court officers pro hac vice.
- m. The law department.
- n. All budgeted contracts pertaining to the agencies under the jurisdiction of this committee.

**Section 9:** That a copy of this proposed amendment to the Charter of the City of Atlanta, Georgia 1996 Ga. L. (Act No. 1019, p. 4469), et seq. as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia," attached hereto and marked Exhibit "A" and made a part of this ordinance, be published in the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation in the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption, and that a



copy of said advertisement be attached to this ordinance prior to its final adoption by the Council of the City of Atlanta.

**Section 10:** That this ordinance shall become effective July 1, 2008 or the date of its enactment if it shall occur thereafter.

**Section 11:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

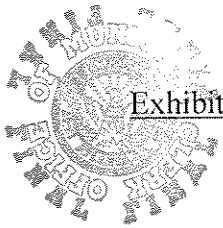


Exhibit "A"

**"Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia"**

Notice is hereby given that an ordinance has been introduced to amend Sections 4-47, 4-106 and 4-110 of the Charter of the City of Atlanta, Georgia (1996 Ga. L. (Act No. 1019), p. 4469, et. seq.) as amended, so as to so as to consolidate the solicitor's office with the department of law; to effectuate a reorganization of the department of law and solicitor's office; and for other purposes.

A copy of the proposed amendment is on file in the office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for purposes of examination and inspection by the public.

This \_\_\_\_ day of \_\_\_\_\_, 2008.

Rhonda Dauphin Johnson  
Municipal Clerk  
City of Atlanta

**Part II: Legislative White Paper:**

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** Public Safety

**Caption:** AN ORDINANCE

**BY**

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1, ET SEQ., AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA. LAWS P. 4469, ET SEQ., BY AMENDING ARTICLE IV, SECTIONS 4-47, 4-106 AND 4-110, AS WELL AS ARTICLE IV, CHAPTER 2, SECTIONS 2-135 AND 2-396, AND ARTICLE II, CHAPTER 62, SECTION 62-28 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO CONSOLIDATE THE SOLICITOR'S OFFICE WITH THE DEPARTMENT OF LAW; TO EFFECTUATE A REORGANIZATION OF THE DEPARTMENT OF LAW AND SOLICITOR'S OFFICE; AND FOR OTHER PURPOSES.

**Council Meeting Date:** May 19 and June 2, 2008 (2 votes)

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is consolidate the Solicitor and assistant solicitor positions within the Department of Law. This will:

- Creates efficiencies in operations in administrative and overhead functions (accounts payable, personnel support and technology)
- Allows sharing of investigator functions between solicitor function and compliance function
- Creates opportunities for better coordination in code enforcement matters that can have both quasi-criminal prosecutorial and civil enforcement elements
- Allows coordinated effort to propose legislative recommendations to the General Assembly to improve court operations

**2. Please provide background information regarding this legislation.**

N/A

**3. If Applicable/Known:**

**(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):**



(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

7. Method of Cost Recovery:

**This Legislative Request Form Was Prepared By:** Roger Bhandari

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: \_\_\_\_\_ Greg Pridgeon \_\_\_\_\_

Contact Number: \_\_\_\_\_ 6559 \_\_\_\_\_

Originating Department: \_\_\_\_\_ Office of the Mayor \_\_\_\_\_

Committee(s) of Purview: \_\_\_\_\_ Public Safety \_\_\_\_\_

Council Deadline: \_\_\_\_\_ May 5, 2008 \_\_\_\_\_

Anticipated Committee Meeting Date(s): \_\_\_\_\_ May 13 and 27, 2008 \_\_\_\_\_

Anticipated Full Council Date: \_\_\_\_\_ May 19 and June 2, 2008 \_\_\_\_\_

Legislative Counsel's Signature: \_\_\_\_\_ *Roger Bharani* \_\_\_\_\_

Commissioner Signature: \_\_\_\_\_ *see David Edwards* \_\_\_\_\_

Chief Procurement Officer Signature: \_\_\_\_\_

**CAPTION**

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1., ET SEQ., AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA. LAWS P. 4469, ET SEQ., BY AMENDING ARTICLE IV, SECTIONS 4-47, 4-106 AND 4-110, AS WELL AS ARTICLE IV, CHAPTER 2, SECTIONS 2-135 AND 2-396, AND ARTICLE II, CHAPTER 62, SECTION 62-28 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO CONSOLIDATE THE SOLICITOR'S OFFICE WITH THE DEPARTMENT OF LAW; TO EFFECTUATE A REORGANIZATION OF THE DEPARTMENT OF LAW AND SOLICITOR'S OFFICE; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_

Received by Mayor's Office: *4/30/08* (date) *DN* Reviewed by: \_\_\_\_\_ (date)

Submitted to Council: \_\_\_\_\_ (date)